

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,282	FUSS, MICHAEL JOHANNES	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven HD Nguyen	2473	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 3/1/2010.
2.  The allowed claim(s) is/are 9-16 now renumber 1-8.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stephen Herrera on 3/1/2010.

The application has been amended as follows:

As claim 9 (Currently Amended) A method of transmitting data over a radio channel between two radio interfaces in a data transmission network that support a plurality of physical transmission modes at different bandwidths, the data transmission network comprising a first group of nodes having a first radio interface configured to support the plurality of physical transmission modes and a second group of nodes having a second radio interface configured to support the plurality of physical transmission modes, the method comprising:

establishing more than one group of virtual channels on the radio channel, each group having an allocated bandwidth to transmit data between the first and second groups of nodes, such that the sum of the allocated bandwidths does not exceed a total bandwidth of the radio channel operating in a basic transmission mode;  
detecting a transmission quality of the radio channel;

based on the detected transmission quality, operating the radio channel in a selected transmission mode having a greater bandwidth than that of the basic transmission mode; and

allocating the difference in the bandwidths between the selected transmission mode and the basic transmission mode to the groups of virtual channels such that one or more of the groups of virtual channels operate at a bandwidth that is greater than their allocated bandwidth.

***Allowable Subject Matter***

2. Claims 9-16 allowed.

The following is an examiner's statement of reasons for allowance: the prior arts in the record fail to disclose or make obvious to a system and method for establishing more than one group of virtual channels on the radio channel, each group having an allocated bandwidth to transmit data between the first and second groups of nodes, such that the sum of the allocated bandwidths does not exceed a total bandwidth of the radio channel operating in a basic transmission mode; detecting a transmission quality of the radio channel; based on the detected transmission quality, operating the radio channel in a selected transmission mode having a greater bandwidth than that of the basic transmission mode; and allocating the difference in the bandwidths between the selected transmission mode and the basic transmission mode to the groups of virtual channels such that one or more of the groups of virtual channels operate at a bandwidth that is greater than their allocated bandwidth within a structure of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Rosenberg (US 7016375) discloses a method and system for the CAC allocates static resource to groupings of VCs accepted by the CAC and books dynamic resource to the groupings of VCs that require guaranteed dynamic resource, and the BoD allocates dynamic resource to groupings of VCs requesting dynamic resource in such a way that all VCs or groupings of VCs requesting dynamic resource are dynamically allocated requested dynamic resource up to at least the guaranteed dynamic resource which has been booked for them by the CAC.
5. Alessi (US 7058027) discloses a method and system for adjusting payload of packet of connection based on the condition of link.
6. Kay (US 20040246891) discloses method and system for adjusting bandwidth of connection based on the condition of link.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yao Kwang can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/9/2010  
/Steven HD Nguyen/  
Primary Examiner, Art Unit 2473